

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID DAVIS,)
Plaintiff) Case Number:
v.) 3:06-CV-0544-WHA
PHENIX CITY, ALABAMA, et al.)
Defendants.)

DEFENDANTS' VOIR DIRE QUESTIONS

Come now the Defendants in the above styled cause and request permission from the Court to propound the following voir dire questions, to the jury venire, in this cause.

1. Have you or any member of your family or a close friend of yours ever been employed as a fireman or in public safety, such as a policeman, game warden, deputy sheriff, military policeman or otherwise in any paramilitary organization?

A. If so, please identify the person so employed, for how long, and what capacity, etc.?

2. Is everyone here familiar with the term "chain of command", as it relates to employment in a paramilitary organization or any job where a "chain of command" is in place?

3. Does everyone here understand that loyalty, harmony, discipline, efficiency and effectiveness which are promoted by following a “chain of command” are particularly important in a paramilitary organization, such as a fire department?

4. Is there anyone here who is a member of any union and particularly any firefighter’s union?

5. Do any of you have any relative or close personal friend who is a member of a union and particularly any firefighter’s union?

6. Is there anyone here that feels that their right to free speech has ever been unfairly limited or taken away from them in any way? If so, please describe the situation? **(Defendants’ would propose that jurors answering this question affirmatively, be questioned outside the presence of the rest of venire and asked whether the incident in question would effect their ability to be impartial. Defendants’ attorneys would also request that any such jurors be instructed not to discuss their incident with any other member of the venire.)**

7. Does everyone here agree that an employee should follow the legal and reasonable rules, regulations, guidelines and procedures implemented by the employer?

8. Have any of you or any relative or yours or a close personal friend, ever lodged a complaint (not a claim or lawsuit) against a municipality such as the City of Phenix City, City of Opelika, etc.? If so, please state the nature of the complaint and how it was resolved?

9. Have any of you or is any relative of yours or any close personal friend, currently or formerly been employed as a member of the news media?

10. Do any of you know any of the following people who may testify as witnesses in this case? Those people who may testify are:

- | | |
|---------------------------|-------------------------|
| 1. Jeff Hardin. | 14. Karl Taylorson. |
| 2. Wallace Hunter. | 15. William Pitts. |
| 3. H. H. "Bubba" Roberts. | 16. Thomas Malone, Jr., |
| 4. Barbara Goodwin. | 17. Audry Thomason. |
| 5. Roy Waters. | 18. Lance Wagner. |
| 6. David Davis. | 19. Chuck Williams. |
| 7. Mrs. David Davis. | 20. Kristin Kennedy. |
| 8. Robert Gaskin. | 21. Kenneth Johanson. |
| 9. Robert J. Bowden. | 22. George Bennett. |
| 10. Anne Land. | 23. Brandon Wilkinson. |
| 11. William E. Miles. | 24. Michael Hanson. |
| 12. Scotty Johnson. | 25. Daryl Dickson. |
| 13. Brandon Sheets. | 26. Eric Long. |

A. If you know any party or witness, please state how you know them and whether that would effect your ability to be impartial if you are chosen to be a juror in this case?

11. Have any of you read anything in the newspaper or heard anything from any source about this case or the facts of this case? (**If any juror answers yes, the Defendants' would propose that those jurors be questioned outside the presence of the rest of the venire concerning their knowledge of the case and asked whether or not their knowledge of the case would effect their ability to be impartial. Defendants' attorneys, would also request that any such jurors to be instructed, not to discuss their prior knowledge of this case, with any other member of the venire.**)

12. Are you or any relative of yours or any close personal friend, a member of the American Civil Liberties Union (ACLU) or any other civil liberties group?

13. Have any of you or any relative of yours or close personal friend, ever been disciplined, reprimanded or terminated from a job for either failing to follow the "chain of command" in making a complaint or for something that was said?

14. Do any of you know any of the attorneys of the parties, in this case?

15. If any of you have used an attorney for any matter involving a lawsuit, such as this one (i.e. a civil case seeking money damages) either as a

Plaintiff or a Defendant in the last ten (10) years, please state the name of the lawyer that you employed?

16. Have you or a relative of yours or a close personal friend, ever filed a complaint or grievance against an employer? If so, please state the nature of the complaint or grievance and the outcome?

17. Has anyone ever filed a complaint or grievance against you or your spouse or against a business that you or your spouse owns? If so, please state the nature of the complaint or grievance and the outcome?

18. Have any of you ever had the occasion to reprimand, discipline or terminate an employee working under your supervision, for failing to follow a policy, procedure or rule of your work place? If so, briefly state the circumstances.

19. Upon conclusion of this case, the Judge will instruct you as to the law you must follow in rendering a decision. You may or may not agree with the law. However, can each and every one of you make your decision in accordance with the law as explained to you by the Judge even if you do not agree with the law?

20. If chosen for the jury in this case, can each and every one of you base your decision solely on the facts and the law in this case setting aside any personal feelings, preconceived ideas, emotion or sympathy?

21. Is there anyone here who has a religious conviction that would prohibit you from sitting in judgment in this case?

22. Is there anyone here knows of any reason why they could not be fair and impartial in deciding this case? If so, please state the reason for the record?

/s/ *James R. McKoon, Jr.*

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CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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